

Appl. No. 09/783,377

REMARKS

Claims 21, 23-28, 32, 35, 37, 40 and 42 are amended. Claims 38-39 are cancelled. New claims 45-46 are added. Claims 21-28, 32-37 and 40-46 are pending in the application.

Claims 21-28 and 32-44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over various cited combinations of the following references: Dunlop, U.S. Patent No. 5,809,393; Xu, U.S. Patent No. 6,451,179; Takashima, U.S. Patent Application No. 2002/0014406; Ueda, U.S. Patent No. 5,541,007; and Legresy, U.S. Patent No. 5,160,388. The Examiner is reminded by direction to MPEP § 2143 that a proper obviousness rejection has the following three requirements: 1) there must be some suggestion or motivation to modify or combine reference teachings; 2) there must be a reasonable expectation of success; and 3) the combined references must teach or suggest all of the claim limitations. Pending claims 21-28, 32-37 and 40-44 are allowable over the various cited combinations of Dunlop, Xu, Takashima, Ueda and Legresy for at least the reason that the references, individually or as combined, fail to disclose or suggest each and every limitation in any of those claims.

As amended, each of independent claims 21, 32, 35, 40 and 42 recite an aluminum material containing at least one of Ac, As, B, Ba, Be, Bi, C, Ca, Cd, Ge, In, N, O, P, Pb, Po, Pu, Ra, Rf, S, Sb, Se, Sn, Sr, Te, Ti, and Zn. None of the cited references, individually or in combination, disclose or suggest the recited aluminum materials containing at least one element selected from this recited list. Accordingly, independent claims 21, 32, 35, 40 and 42 are not rendered obvious by the various cited combinations of Dunlop, Ueda, Takashima, Xu and Legresy and are allowable over these references.

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Claims 23-38 and 37 are amended to properly depend from corresponding base claims 21 and 35. Claims 38-39 are cancelled. Dependent claims 22-28, 33-34, 36-37, 41 and 43-44 are allowable over the various cited combinations of Dunlop, Ueda, Takashima, Xu and Legresy, for at least the reason that they depend from corresponding allowable base claims 21, 32, 35, 40 and 42.

New claims 45-46 do not add "new matter" to the application since each is fully supported by the specification as originally filed. Claims 45-46 are supported at, for example, page 14, lines 4-7. Claims 45-46 are allowable over the art of record for at least the reason that the art does not disclose or suggest the recited aluminum material comprising either Be or Ge. Further, as set forth in the specification, Ge and Be are distinctly advantageous since they, like Si, have effectively no room temperature solubility relative to aluminum matrix and no intermediate compounds.

For the reasons discussed above, pending claims 21-28, 32-37 and 40-46 are allowable. Accordingly, applicant respectfully requests formal allowance of pending claims 21-28, 32-37 and 40-46 in the Examiner's next action.

Respectfully submitted,

Dated

*January 7, 2004*

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